

**CITY OF CHESTERMERE**

**PROVINCE OF ALBERTA**

**BYLAW #043-20**

Being a Bylaw of the City of Chestermere, in the Province of Alberta to require mandatory face coverings.

**WHEREAS** on March 11, 2020 the World Health Organization declared a global pandemic related to the spread of the COVID-19 virus and the COVID-19 pandemic remains a health risk;

**AND WHEREAS** the World Health Organization, Chief Public Health Officer for Canada and the Chief Medical Officer of Health for Alberta have identified Face Coverings as a way to reduce the risk of spreading COVID-19 in circumstances where physical distancing may not be possible;

**AND WHEREAS** physical distancing may not be possible in indoor Public Places and in Public Vehicles;

**AND WHEREAS** pursuant to the Municipal Government Act, RSA 2000, c M-16 a council of a municipality may pass bylaws respecting;

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public; and
- (c) businesses, business activities and persons engaged in business;

**AND WHEREAS** Council considers it expedient and desirable for the health, safety, and welfare of the inhabitants of the City of Chestermere to require the wearing of Face Coverings in indoor Public Places and in Public Vehicles;

**NOW THEREFORE BE IT RESOLVED** that the Council of the City of Chestermere, duly assembled, hereby enacts as follows:

**1. TITLE**

- 1.1 This bylaw may be cited as the City of Chestermere "Temporary Mandatory Face Coverings Bylaw".

**2. DEFINITIONS**

In this Bylaw:

- 2.1 “Enhanced” means the designation or classification of a municipality, region or zone by the Government of Alberta as defined in its Relaunch Status Protocols as requiring enhanced public health measures to control the spread of the COVID-19 virus.
- 2.2 “Face Covering” means a mask or other face covering that covers the mouth, nose and chin ensuring a barrier that limits the transmission of infectious respiratory droplets.
- 2.3 “Indoor Workplace” means any building or room where people perform their jobs.
- 2.4 “Peace Officer” means a member of the Royal Canadian Mounted Police or a Peace Officer appointed under the Peace Officer Act, SA 2006, c P-3.5, as amended.
- 2.5 “Public Place” means any property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not.
- 2.6 “Public Vehicle” means a bus, taxi or other vehicle that is used to transport members of the public for a fee.
- 2.7 “Violation Ticket” means a ticket issued pursuant to Part II or Part III of the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended.

### **3. FACE COVERINGS**

- 3.1 A person must wear a Face Covering at all times while in an indoor, enclosed, or substantially enclosed Public Place, Indoor Workplace, or in a Public Vehicle where other people are present.

### **4. EXCEPTIONS**

- 4.1 Section 3.1 does not apply to the following persons:
  - (a) persons under the age of 2;
  - (b) persons who are unable to place, use, or remove a Face Covering without assistance;
  - (c) persons unable to wear a Face Covering due to a mental or physical concern or limitation, or protected ground under the Alberta Human Rights Act, RSA 2000 cA-25.5;
  - (d) persons consuming food or drink in designated seating areas or as part of religious or spiritual ceremony;

- (e) persons engaged in water activities or physical exercise;
- (f) persons providing care or assistance to a person with a disability where a Face Covering would hinder that caregiving or assistance; and
- (g) persons engaging in services that require the temporary removal of a Face Covering.

4.2 Section 3.1 does not apply to the following places:

- (a) schools and other educational facilities;
- (b) hospitals and health-care facilities;
- (c) child care facilities; and
- (d) areas exclusively accessed or used by the Public Place's employees or a Public Vehicle operator, provided that physical barriers or physical distancing practices are implemented between any person not required to wear a Face Covering by operation of this exception and any other person.

## **5. OPERATIVE**

5.1 The provisions of this Bylaw will be operative when the Government of Alberta places, classifies or designates the City of Chestermere or the region or zone in which the City of Chestermere is located under an Enhanced relaunch status.

5.2 In addition to Section 5.1, Council may, by resolution, make the provisions of this bylaw operative at any time.

## **6. REVERSION**

6.1 If the provisions of this bylaw have become operative in accordance with Section 5.1 they may only be reverted if the Government of Alberta rescinds the Enhanced classification or designation for the City of Chestermere or the region or zone in which the City of Chestermere is located.

6.2 Council may, by resolution, revert the operation of this bylaw at any time.

## **7. OFFENCE AND PENALTIES**

7.1 A person who contravenes this bylaw is guilty of an offence.

7.2 A person found guilty of an offence under this bylaw is liable to a fine in an amount not less than \$100.

7.3 The specified penalty for contravening Section 3 is \$100. In this section, “specified penalty means an amount that can be paid by a person who is issued a violation ticket and is authorized to make a voluntary payment without a Court appearance.

## **8. ENFORCEMENT**

8.1 Where a Peace Officer believes that a person has contravened any provision of this bylaw, the Peace Officer may issue a Violation Ticket in accordance with the Provincial Offences Procedure Act, RSA 2000, c P-34.

8.2 If a Violation Ticket is issued for an offence under this bylaw, the Violation Ticket may:

- (a) specify the fine amount established by this bylaw for the offence; or
- (b) require a person to appear in court without the alternative of making a voluntary payment.

8.3 A person who commits an offence may, if a Violation Ticket is issued specifying the fine amount established by this bylaw for the offence, make a voluntary payment equal to the specified fine amount.

## **9. SEVERABILITY**

9.1 Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a court, then the invalid provisions shall be severed and the remainder provisions shall remain valid and enforceable.

## **10. EFFECTIVE DATE**

10.1 This bylaw shall come into force and effect when it receives third reading.

First Reading Carried \_\_\_ November 2020

Second Reading Carried \_\_\_ November 2020

Third Reading Carried \_\_\_ November 2020

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Mayor

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CAO